Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 5(D)

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-868
Section: 23-56-39
SW 246 Terrace, from SW 128 Avenue to SW 129 Avenue
Commission District: 8

Recommendation

It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing petition is located within Commission District 8.

Fiscal Impact/Funding Source

If this right-of-way is closed and vacated, it will not affect the tax roll, since an alternate right-of-way will be dedicated to replace it. The fee for this road closing is $800.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, R & E Palm Vista II, Inc., wishes to close SW 246 Terrace, from SW 128 Avenue to SW 129 Avenue, in order to incorporate the area into the proposed plat of "JAC HOMES", Tentative Plat Number T-22758. The right-of-way requested to be closed has never been improved nor maintained by Miami-Dade County. The petitioner for the subject road closing will dedicate a wider road at the same location.

The subject right-of-way was dedicated in 2005, by the plat of "JAC SUBDIVISION", recorded in Plat Book 165, Page 20, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned PCUC (Princeton Community Urban Center District).

Assistant County Manager

Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
3-3-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 246 TERRACE, FROM SW 128 AVENUE TO SW 129 AVENUE (ROAD CLOSING PETITION NO. P-868)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 246 Terrace, from SW 128 Avenue to SW 129 Avenue, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the closing of the aforementioned road is contingent on the recording of the plat of JAC HOMES, tentative plat T-22758, that in the event the plat is not approved this resolution becomes null and void; (2) that the street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 23 TOWNSHIP 56 RANGE 39

Commission District: Katy Sorenson, 8

Legend

- Road Closing
- Lot Lines

P-868

NORTH

August 11, 2008
Prepared by: Yazmin Moreno

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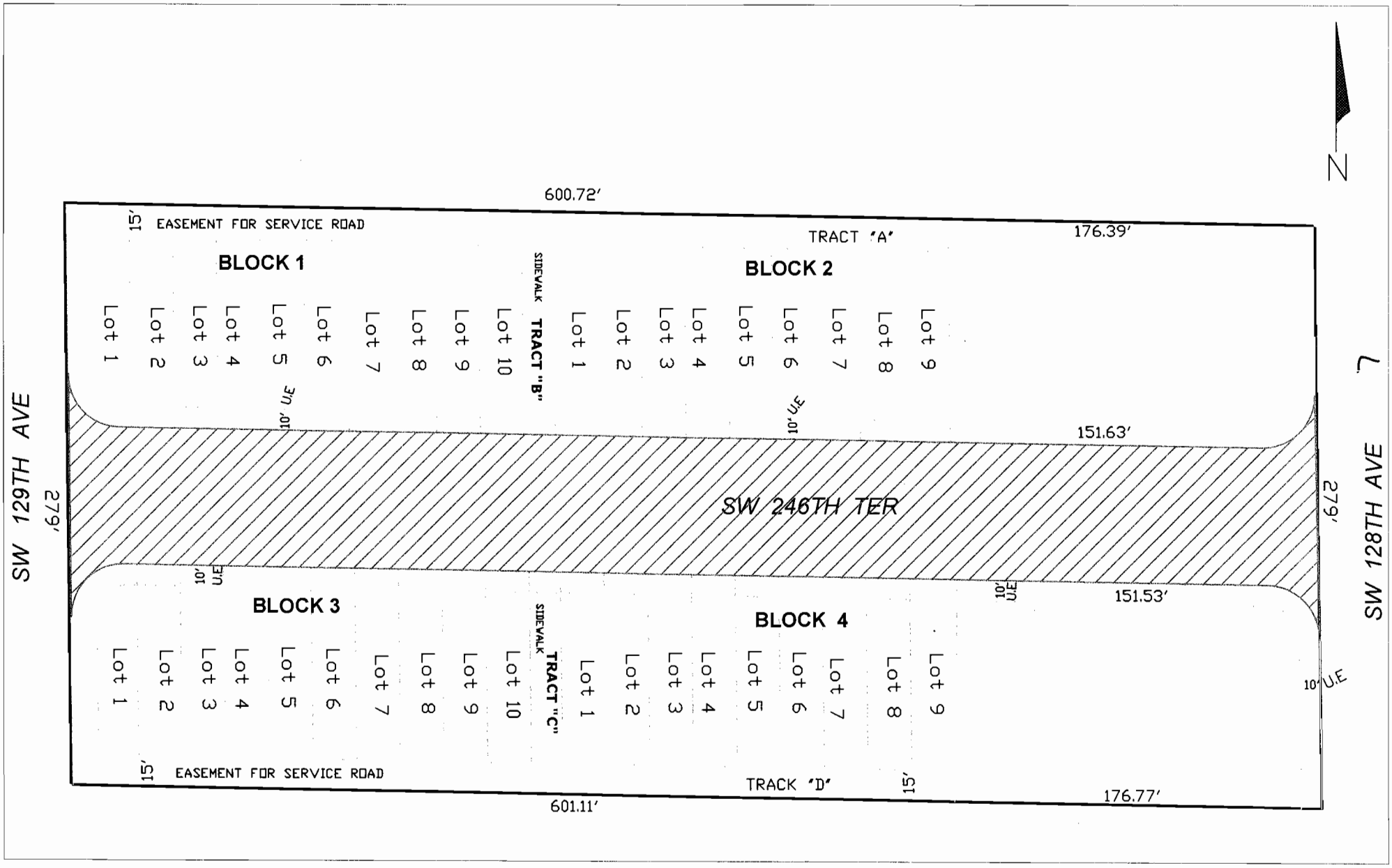

P-868 T-Plat

MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT OF WAY
111 NW 1st STREET, Suite 1610, MIAMI FLORIDA 33128

PROPOSED PLAT OF JAC HOMES
T-22758

PWD
Dec.2,2008
Drawn by: Y. Moreno

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:

All that portion of Right of Way of Southwest 246th Terrace of "JAC SUBDIVISION", according to the plat thereof, as recorded in Plat Book 165 at Page 20, of the Public Records of Miami-Dade County, Florida.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

Dedicated in 2005, by "JAC SUBDIVISION", according to the plat thereof, as recorded in Plat Book 165 at Page 20, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing the above described right-of-way and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
R&E at Palm Vista II, Inc.	30-6923-006-0020,-0024	7865 Coral Way, Miami Fl. 33155

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

WE ARE CLOSING THE EXISTING RIGHT OF WAY TO DEDICATE A WIDER RIGHT OF WAY

7. Signatures of **all** abutting property owners: Respectfully submitted,

SIGNATURE	ADDRESS
[illegible]	7865 Coral Way
	Miami FL 33155

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared LEOCADIA E ROSADO, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

(Signature of Petitioner)

Sworn and subscribed to before me this

6TH day of AUGUST, 2008

Notary Public State of Florida at Large

JORGE HADAD
MY COMMISSION # DD436585
EXPIRES: June 2, 2009
(407) 398-0153 Florida Notary Service.com

My Commission Expires: _____